

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYRONE HURT,

Plaintiff,

-against-

U.S. CONSTITUTION, ET AL.,

Defendants.

22-CV-4390 (LTS)

ORDER OF DISMISSAL UNDER
28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. He has not filed a request to proceed *in forma pauperis* (IFP) or paid the fees to bring this action. Because Plaintiff has not paid the fees, the Court assumes that Plaintiff seeks leave to proceed IFP.

On October 11, 2013, Plaintiff was barred from filing any new action IFP without first obtaining from the court leave to file. *See Hurt v. D.C. Bd. of Parole*, ECF 1:13-CV-5365, 3 (S.D.N.Y. Oct. 11, 2013), *appeal dismissed*, No. 13-4474 (2d Cir. Apr. 3, 2014). Plaintiff has not sought leave to file this action, and it is therefore dismissed without prejudice for Plaintiff's failure to comply with the Court's October 11, 2013, order in *Hurt*, ECF 1:13-CV-5365, 3.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 1, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge